

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN MICHAEL BALE,

Plaintiff,

v.

KITSAP COUNTY JAIL et al.,

Defendants.

CASE NO. C14-5513 BHS-JRC

ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

Plaintiff has filed a motion to set a 90-day speedy trial (Dkt. 20). Plaintiff also requests a jury (Dkt. 20). The Court directs the Clerk's office to note the jury demand. The Court **DENIES** plaintiff's request for a speedy trial. This is a civil matter and the criminal speedy trial rule does not apply. The Speedy Trial Act applies to criminal trials. *See* 18 USC §3161. Further, defendants have not yet filed an answer or dispositive motion and the Court has not entered a scheduling order.

1 Plaintiff also filed a second amended complaint (Dkt. 21). Fed. R. Civ. P. 15(a)
2 addresses amendment of the complaint before trial and states:

3 (a) Amendments Before Trial.

4 (1) Amending as a Matter of Course. A party may amend its pleading once as a
5 matter of course within:

6 (A) 21 days after serving it, or

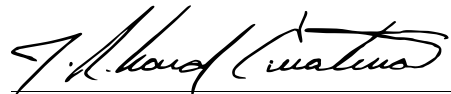
7 (B) if the pleading is one to which a responsive pleading is required, 21 days after
8 service of a responsive pleading or 21 days after service of a motion under Rule
9 12(b), (e), or (f), whichever is earlier.

10 (2) Other Amendments. In all other cases, a party may amend its pleading only
11 with the opposing party's written consent or the court's leave. The court should
12 freely give leave when justice so requires.

13 Fed. R. Civ. P. 15(a)(2) applies to this case because plaintiff has already filed one amended
14 complaint (Dkt. 10).

15 Plaintiff did not file a motion seeking leave of Court to amend his action. The second
16 amended complaint is not properly before the Court and will not be considered. The Clerk's
17 office is directed to remove (Dkt. 20), from the calendar and make a note that (Dkt. 21), is not
18 the operative complaint in this action.

19 Dated this 15th day of September, 2014.

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J. Richard Creatura
United States Magistrate Judge